

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KIRA WAHLSTROM,

Plaintiff,

v.

C.A. NO. 1:22-cv-10792-RGS

DAVID J. HOEY, LAW OFFICES OF
DAVID J. HOEY, P.C., DON C. KEENAN,
D.C. KEENAN & ASSOCIATES, P.C. d/b/a
THE KEENAN LAW FIRM, P.C., AND
KEENAN'S KIDS FOUNDATION, INC.,

Defendants.

JOINT STIPULATION TO SET ASIDE SEPTEMBER 13, 2022 ENTRY OF DEFAULT

Plaintiff Kira Wahlstrom ("Plaintiff") and Defendant Keenan's Kids Foundation ("KKF") (collectively, the "Parties"), by and through their undersigned counsel, hereby submit this Joint Stipulation to Set Aside September 13, 2022, Entry of Default against Keenan's Kids Foundation. The Parties stipulate and agree as follows:

WHEREAS on August 2, 2022, Plaintiff filed a First Amended Complaint naming KKF as a defendant.

WHEREAS Plaintiff contends that she executed proper service on KKF via the Georgia Secretary of State on August 15, 2022

WHEREAS Plaintiff requested [Dkt. 20] and was granted [Dkt. 21] an entry of default against KKF on September 13, 2022.

WHEREAS KKF contests that service was proper and contests that, under the relevant Georgia law, its Answer would have been due prior to September 13, 2022.

WHEREAS Plaintiff contends that not only was KKF properly served but that KKF's time to answer was properly determined by Rule 12 of the Federal Rules of Civil Procedure and that the time to answer a complaint under state law is not applicable. Nonetheless, Plaintiff agrees to this stipulation to move this case forward under the current scheduling order rather than take time with motion practice on KKF's default given the courts' preference to resolve disputes on the merits.

WHEREAS KKF is prepared to respond to Plaintiff's First Amended Complaint and participate in this action, and the Parties have agreed that such response be filed and served no later than October 17, 2022.

WHEREAS KKF has agreed to abide by the existing scheduling order in this case despite the time that has passed between other defendants' appearances and KKF's appearance.

WHEREAS counsel for the Parties have conferred, and counsel for Plaintiff has agreed to this request to set aside the Default against KKF and to allow KKF to file an Answer to the First Amended Complaint.

In view of the foregoing recitals, the Parties respectfully request that this Court approve the terms of this Stipulation and enter an order setting aside the September 13, 2022 Entry of Default and that KKF be given until October 17, 2022 to respond to the First Amended Complaint.

s/ Bridget A. Zerner

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 14, 2022, a true copy of the foregoing Opposition to Plaintiff's Motion to Dismiss or Remand was served on all registered participants via ECF, and served via First Class Mail upon:

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Date: October 14, 2022

/s/ Danni L. Shanel

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